

REMARKS

Claims 1-4 and 6-10 are pending. Claims 5 and 11-14 have been canceled without prejudice. Claims 4 and 6-9 have been withdrawn from consideration. Only claims 1-3 and 10 are currently under consideration.

Claim 1 has been amended to change "Compound" to "A compound" in the first line of the claim, to comport with US claim language conventions. Claims 2 and 3 have been amended to change "Compound" to "The compound" in the first line of each claim, in accordance with US claim language construction conventions for dependent claims. Claims 2 and 3 have also been amended to change an "a" to a "the" in referencing a radical formula used to define "A," a formula first introduced in claim 1.

Previous Rejections and Objections

The Office Action stated that all previous rejections and objections to the claims were withdrawn in view of amendments to the claims made in response to the previous Office Action.

Rejection of Claims 1-3 and 10, Under 35 U.S.C. §103(a)

The Office Action included a new ground for rejection, a rejection of claims 1-3 and 10, under 35 U.S.C. §103(a), in view of Borzilleri et al., published as US publication number 20060211695, with priority to US provisional application number 60/583,459, filed June 28, 2004 and to US provisional application number 60/612,563, filed Sept. 23, 2004.

The present application is the US national phase of an international application filed November 26, 2004, with a priority claim based on German Patent Application Number DE 10357510.3, filed December 9, 2003. The international application and priority document were originally filed in German. Borzilleri et al. was cited by the Examiner as prior art, under 35 U.S.C. §102(e).

Under 37 C.F.R. §1.55(a)(4)(B), an English translation of a non-English language foreign priority application can overcome the date of a US patent reference cited by an Examiner. Transmitted herewith is a certified English translation of the German priority document at issue in the present case. Applicants submit that the English translation case removes Borzilleri et al. as a prior art reference, thus overcoming the rejection of claims 1-3 and 10, under 35 U.S.C. §103(a) in view of that reference. Applicants respectfully request that this rejection be withdrawn.

SUMMARY

For reasons provided above, Applicants submit that all the present pending claims under consideration at this time (i.e. claims 1-3 and 10) are in condition for allowance, after amendment as set forth herein above. Issuance of all the claims is, therefore, requested. The Examiner is invited to contact the undersigned at the telephone number given below, should he/she wish to discuss the present amendments or suggest changes to the claims that could expedite prosecution.

Respectfully submitted,

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